

**MINUTES  
ENVIRONMENTAL QUALITY BOARD  
NOVEMBER 8, 2019  
WOODWARD CONFERENCE CENTER  
WOODWARD, OKLAHOMA**

Official EQB Approved  
On February 21, 2020

**Notice of Public Meeting** – The Environmental Quality Board (Board) convened for a Regular Meeting at 9:30 a.m., at the Woodward Conference Center, 3401 Centennial Drive Woodward, Oklahoma. This meeting was held in accordance with 25 O.S. Section 311, with notice of the meeting given to the Secretary of State on October 11, 2018. The agenda was mailed to interested parties on October 30, 2019 and was posted at the DEQ and the facility on November 7, 2019. Mr. Jimmy Kinder, Chair, called the meeting to order. Mr. Kinder talked on safety precautions in case of an emergency and welcomed Mr. Shaun Barnett, Assistant Manager of Woodward to the Board. Ms. Fields called roll and a quorum was confirmed.

**MEMBERS PRESENT**

Mark Barton  
David Griesel  
Tracy Hammon  
Ken Hirshey  
Alexandria Kindrick  
Jan Kunze  
Tim Munson  
Homer Nicholson  
Mike Paque  
Billy Sims  
Jimmy Kinder

**DEQ STAFF PRESENT**

Scott Thompson, Executive Director  
Jimmy Givens, Deputy Executive Director  
Sarah Penn, General Counsel  
Michelle Wynn, Legislative Liaison  
Eddie Terrill, Air Quality Division  
Jennifer Boyle, Deputy General Counsel  
Chris Armstrong, State Environmental Laboratory Services  
Kelly Dixon, Land Protection Division  
Bill Kropf, Environmental Complaints & Local Services  
Mike Broderick, Land Protection Division  
Lloyd Kirk, Office of External Affairs  
Mark Hildebrand, Water Quality Division  
Richard McDaniel, Environmental Complaints & Local Services  
Erin Hatfield, Office of External Affairs  
Kathy Aebischer, Administrative Services Division  
Sharon Smith, Executive Director's Office  
Carol Bartlett, Land Protection Division  
Quiana Fields, Board & Council Secretary

**MEMBERS ABSENT**

Shannon Ferrell  
Steve Mason

**OTHERS PRESENT**

Jennifer Lewis, Office of the Attorney General  
Laura Lodes, Air Quality Advisory Council  
Stephen Baldrige, Office of the Secretary of Energy & Environment  
Rebecca Storm, Court Reporter

**Approval of Minutes** – Mr. Griesel moved to approve the Minutes of the September 10, 2019 Regular Meeting. Mr. Nicholson made the second.

*transcript pages 5 - 6*

Mark Barton	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:100 Air Pollution Control** – Mr. Kinder called upon Ms. Laura Lodes, Chair of the Air Quality Advisory Council (AQAC), to present the rules. Ms. Lodes stated that the Department is proposing to update OAC 252:100, Appendix Q, Incorporation by Reference, to incorporate the latest changes to U.S. Environmental Protection Agency (EPA) regulations. In

addition, the Department is proposing to update language in Subchapter 2, Incorporation by Reference, to reflect the latest date of incorporation of EPA regulations in Appendix Q. The gist of these rules and the underlying reason for the rulemaking is to incorporate the latest changes to EPA regulations, primarily those relating to the National Emission Standards for Hazardous Air Pollutants (NESHAP) and New Source Performance Standards (NSPS). Following no questions or comments by the Board or the public, Mr. Kinder called for a motion. Mr. Barton moved to approve and Mr. Paque made the second.

*transcript pages 6 - 9*

Mark Barton	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

Ms. Lodes stated that the Department is proposing to revoke OAC 252:100-39-49, Manufacturing of fiberglass reinforced plastic products. The gist of this rulemaking is to reduce the regulatory burden on facilities by eliminating an antiquated rule where a federal regulation now sufficiently limits emission of air pollutants. Following no questions or comments by the Board or the public, Mr. Kinder called for a motion. Mr. Griesel moved to approve and Mr. Hirshey made the second.

*transcript pages 9 - 11*

Mark Barton	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

Ms. Lodes stated that the Department is proposing to amend Oklahoma Administrative Code (OAC) 252:100-13, Open Burning, to conform the Department of Environmental Quality (DEQ) rules to statutory changes enacted in the 2019 legislative session. DEQ is also proposing to add a new section, 252:100-13-8.1, for this same purpose. The statutory changes added a provision for open burning of certain medical marijuana plant parts and modified when an air curtain incinerator (ACI) is required. In addition, the Department is proposing to change Section 13-2, Definitions, to reflect an update in terminology from "watch" to "alert" for ozone and particulate matter notifications. The Department is also proposing to amend Section 13-7(1), Fire training, to clarify specific inspection and removal requirements, as provided for in the Oklahoma Clean Air Act. The gist of this rulemaking is to implement the statutory changes made in the 2019 legislative session to add a provision for open burning of certain medical marijuana plant parts, to modify when an ACI is required, and to make other minor clarifications to the rule. Following no questions or comments by the Board or the public, Mr. Kinder called for a motion. Mr. Sims moved to approve and Mr. Munson made the second.

*transcript pages 11 - 14*

Mark Barton	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

**Rulemaking – OAC 252:410 Radiation Management** – Mr. Kinder called upon Ms. Kelly Dixon, Division Director of the Land Protection Division, to present the rule due to Mr. George MacDurmon, Chair of the Radiation Management Advisory Council was unable to attend. Ms. Dixon stated that the Department is proposing to amend Chapter 410, Subchapter 1 (General Provisions) to change the date for incorporation of federal regulations by reference to January 1, 2019. The Department is also proposing to amend the regulations related to the medical use of

byproduct material to conform the Oklahoma rules to the updated federal regulations, which includes revisions to 10 CFR Parts 30, 32 and 35. The Department is proposing a revision to better organize, clarify and update the regulations in OAC 252:410-10-32 as well as to correct an error made when 10 CFR 40 was adopted. The gist of this rulemaking is to maintain compatibility with federal regulations. Following no questions or comments by the Board or the public, Mr. Kinder called for a motion. Mr. Hirshey moved to approve and Mr. Barton made the second.

*transcript pages 15 - 17*

Mark Barton	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

**Consideration of and Action on the Annual Environmental Quality Report** – Mr. Kinder called upon Mr. Jimmy Givens, Deputy Executive Director of the DEQ. Mr. Givens gave a presentation on the Annual Environmental Quality Report which must be approved by the Board prior to its submission to the Governor, Speaker of the House and Senate President Pro Tempore by January 1. The purpose of this report is to outline DEQ's annual funding needs for providing environmental services within its jurisdiction, reflect any new federal mandates and summarize DEQ-recommended statutory changes. Following questions by the Board and none by the public, Mr. Sims made a motion to approve the Annual Environmental Quality Report and Mr. Griesel made the second.

*transcript pages 17 - 36*

Mark Barton	Yes	Tin Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

**Budget Update and Financial Overview (FY 2020)** – Mr. Kinder called upon Ms. Kathy Aebischer, Chief Financial Officer of the DEQ. Ms. Aebischer gave a presentation on the FY 2020 budget update.

*transcript pages 36 - 39*

**Executive Director's Report** – Mr. Scott Thompson, Executive Director of the DEQ, discussed agency accomplishments and activities since the last Board meeting and legislative matters. Also, Mr. Thompson mentioned Ms. Sarah Penn; General Counsel of the DEQ will be taking on a new job as the General Counsel for ODOT.

*transcript pages 39 - 55*

**New Business** – None

**Next Meeting** – The next regular meeting is scheduled for February 21, 2020 in Oklahoma City, DEQ Multipurpose Room.

**Adjournment** – Mr. Kinder called for a motion to adjourn. Mr. Munson moved to adjourn and Mr. Griesel made the second. Meeting adjourned at 10:50 a.m.

*transcript pages 56 - 57*

Mark Barton	Yes	Tim Munson	Yes
David Griesel	Yes	Homer Nicholson	Yes
Tracy Hammon	Yes	Mike Paque	Yes
Kenneth Hirshey	Yes	Billy Sims	Yes
Alexandria Kindrick	Yes	Jimmy Kinder	Yes
Jan Kunze	Yes		

**The transcript and sign-in sheet become an official part of these Minutes.**

OKLAHOMA DEPARTMENT OF ENVIRONMENTAL QUALITY

ENVIRONMENTAL QUALITY BOARD

PUBLIC MEETING

NOVEMBER 8, 2019 - 9:30 A.M.

Woodward Conference Center

3401 Centennial Drive

Woodward, Oklahoma

REPORTED BY: REBECCA SUSANNE STORM, CSR

<p>Page 2</p> <p>1 BOARD MEMBERS PRESENT:</p> <p>2 MR. JAMES KINDER, CHAIRMAN</p> <p>3 DR. TRACY HAMMON, VICE CHAIR</p> <p>4 MR. DAVID GRIESEL</p> <p>5 MS. JAN KUNZE</p> <p>6 MR. HOMER NICHOLSON</p> <p>7 MR. MIKE PAQUE</p> <p>8 MR. PERRY MARK BARTON</p> <p>9 MR. KENNETH HIRSHEY</p> <p>10 MS. ALEXANDRIA KINDRICK</p> <p>11 MR. TIM MUNSON</p> <p>12 BOARD MEMBERS ABSENT:</p> <p>13 DR. SHANNON FERRELL</p> <p>14 MR. STEVE MASON</p> <p>15 ALSO PRESENT: .</p> <p>16 Ms. Quiana Fields, Secretary of Board and Council</p> <p>17 Ms. Laura Lodes, Chairman of Air Quality Council</p> <p>18 Mr. Scott Thompson, Executive Director of DEQ</p> <p>19 Ms. Kathy Aebischer, DEQ Chief Financial Officer</p> <p>20 Ms. Jennifer Lewis, Assistant Attorney General</p> <p>21 Ms. Sarah Penn, General Counsel, DEQ</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 3</p> <p>1 (Meeting called to order at 9:30 a.m.)</p> <p>2 CHAIRMAN JAMES KINDER: So what we'll do is we'll</p> <p>3 call this meeting to order, the November 8th, 2019, regular</p> <p>4 meeting of the Environmental Quality Board has been called</p> <p>5 according to the Oklahoma Open Meetings Act, Section 111 of</p> <p>6 Title 25 of the state statutes. Notice was filed with the</p> <p>7 Secretary of State on October 11th, 2018. Agendas were mailed</p> <p>8 to interested parties on October the 30th, 2019, and were</p> <p>9 posted at the DEQ and the facility on November the 7th, 2019.</p> <p>10 Only matters appearing on the posted agenda may be considered.</p> <p>11 If the meeting is continued or reconvened, we must</p> <p>12 announce today the date and time and place of the continued</p> <p>13 meeting and the agenda for such continuation will remain the</p> <p>14 same today -- as today's agenda.</p> <p>15 We just want to wel-- welcome everybody here and</p> <p>16 this is a -- a chance for people in this area to have input.</p> <p>17 And we just -- we want to welcome you -- you here today.</p> <p>18 Is anyone here that would like to -- to -- to --</p> <p>19 that -- that's here for the public today or -- I think we've</p> <p>20 got one, Shawn Barnett, been told, Assistant Manager of the</p> <p>21 City of Woodward. Sir, if you -- you want to say just a few</p> <p>22 things to welcome us?</p> <p>23 MR. SHAWN BARNETT: Well, thank you. And -- and</p> <p>24 we are privileged to have you here today and welcome you here.</p> <p>25 Hope you enjoy our facility. We're very proud of it. And</p>
<p>Page 4</p> <p>1 thank you for choosing us to hold your meeting.</p> <p>2 CHAIRMAN JAMES KINDER: Thank you.</p> <p>3 I notice that the -- seemed like Woodward was a</p> <p>4 very busy place last night at 8:00 still. They were still</p> <p>5 moving trucks everywhere, so it's a neat, neat, neat area.</p> <p>6 So I guess we'll just have the roll call at this</p> <p>7 time.</p> <p>8 MS. QUIANA FIELDS: Mr. Barton.</p> <p>9 MR. PERRY MARK BARTON: Here.</p> <p>10 MS. QUIANA FIELDS: Dr. Ferrell is absent.</p> <p>11 Mr. Griesel.</p> <p>12 MR. DAVID GRIESEL: Here.</p> <p>13 MS. QUIANA FIELDS: Dr. Hammon.</p> <p>14 DR. TRACY HAMMON: Here.</p> <p>15 MS. QUIANA FIELDS: Mr. Hirshey.</p> <p>16 MR. KENNETH HIRSHEY: Here.</p> <p>17 MS. QUIANA FIELDS: Ms. Kindrick.</p> <p>18 MS. ALEXANDRIA KINDRICK: Here.</p> <p>19 MS. QUIANA FIELDS: Ms. Kunze.</p> <p>20 MS. JAN KUNZE: Here.</p> <p>21 MS. QUIANA FIELDS: Mr. Mason is absent.</p> <p>22 Mr. Munson.</p> <p>23 MR. TIM MUNSON: Here.</p> <p>24 MS. QUIANA FIELDS: Mr. Nicholson.</p> <p>25 MR. HOMER NICHOLSON: Here.</p>	<p>Page 5</p> <p>1 MS. QUIANA FIELDS: Mr. Paque.</p> <p>2 MR. MIKE PAQUE: Here.</p> <p>3 MS. QUIANA FIELDS: Mr. Sims.</p> <p>4 MR. BILLY SIMS: Here.</p> <p>5 MS. QUIANA FIELDS: Mr. Kinder.</p> <p>6 CHAIRMAN JAMES KINDER: Here.</p> <p>7 MS. QUIANA FIELDS: We have a quorum.</p> <p>8 CHAIRMAN JAMES KINDER: Thanks, Quiana.</p> <p>9 Next, we'll have approval of minutes. They were</p> <p>10 sent to you electronically. Also, I believe they were mailed</p> <p>11 to you. So what is pleasure of the board at this time?</p> <p>12 MR. DAVID GRIESEL: So move -- so moved.</p> <p>13 CHAIRMAN JAMES KINDER: I have a motion to -- that</p> <p>14 the minutes be approved.</p> <p>15 MR. NICHOLSON: Second.</p> <p>16 CHAIRMAN JAMES KINDER: It has a second.</p> <p>17 Any discussion?</p> <p>18 (No response.)</p> <p>19 CHAIRMAN KINDER: Okay. We'll have the roll call</p> <p>20 vote.</p> <p>21 MS. QUIANA FIELDS: Mr. Barton.</p> <p>22 MR. PERRY MARK BARTON: Yes.</p> <p>23 MS. QUIANA FIELDS: Mr. Griesel.</p> <p>24 MR. DAVID GRIESEL: Yes.</p> <p>25 MS. QUIANA FIELDS: Dr. Hammon.</p>

<p style="text-align: right;">Page 6</p> <p>1 DR. TRACY HAMMON: Yes.</p> <p>2 MS. QUIANA FIELDS: Mr. Hirshey.</p> <p>3 MR. KENNETH HIRSHEY: Yes.</p> <p>4 MS. QUIANA FIELDS: Ms. Kindrick.</p> <p>5 MS. ALEXANDRIA KINDRICK: Yes.</p> <p>6 MS. QUIANA FIELDS: Ms. Kunze.</p> <p>7 MS. JAN KUNZE: Yes.</p> <p>8 MS. QUIANA FIELDS: Mr. Munson.</p> <p>9 MR. TIM MUNSON: Yes.</p> <p>10 MS. QUIANA FIELDS: Mr. Nicholson.</p> <p>11 MR. HOMER NICHOLSON: Yes.</p> <p>12 MS. QUIANA FIELDS: Mr. Paque.</p> <p>13 MR. MIKE PAQUE: Yes.</p> <p>14 MS. QUIANA FIELDS: Mr. Sims.</p> <p>15 MR. BILLY SIMS: Yes.</p> <p>16 MS. QUIANA FIELDS: Mr. Kinder.</p> <p>17 CHAIRMAN JAMES KINDER: Yes.</p> <p>18 MS. QUIANA FIELDS: Motion passed.</p> <p>19 CHAIRMAN JAMES KINDER: Okay. Thank you.</p> <p>20 Okay. I guess we've got some rulemaking items</p> <p>21 that we need to look at. And so let's talk about the Air</p> <p>22 Pollution Control rulemaking.</p> <p>23 Welcome.</p> <p>24 MS. LAURA LODES: Hello. How are you today?</p> <p>25 CHAIRMAN JAMES KINDER: Doing well.</p>	<p style="text-align: right;">Page 7</p> <p>1 MS. LAURA LODES: We have three rules -- the Air</p> <p>2 Quality Council has three rules to present to you all today.</p> <p>3 The first one is Subchapter 2 and Appendix Q, Incorporation by</p> <p>4 Reference. The Department is proposing to update language in</p> <p>5 Subchapter 2, Incorporation by Reference, to reflect the new</p> <p>6 date of incorporation for Appendix Q, updated as of -- updated</p> <p>7 as of June 30th, 2019. This proposal is part of an annual</p> <p>8 update to Title 40, Code of Federal Regulations, Incorporation</p> <p>9 by Reference in Chapter 100. The purpose of the update to OAC</p> <p>10 252:100, Appendix Q, Incorporation by Reference is to</p> <p>11 incorporate the latest changes to EPA regulations. Included</p> <p>12 are changes or modifications to 40 CFR 60, New Source</p> <p>13 Performance Standards; in Part 63, National Emission Standards</p> <p>14 for Hazardous Air Pollutants as well as other references --</p> <p>15 other reference subparts. Title 40, Code of Federal</p> <p>16 Regulations, 40 CFR, Incorporation by Reference are updated</p> <p>17 annually in the DEQ Air Pollution Control rules. The Oklahoma</p> <p>18 rules on rulemaking dictate the procedure for amending your</p> <p>19 rule appendix by revoking the old and creating an entirely new</p> <p>20 appendix. Notice of the -- those rule changes was published in</p> <p>21 the Oklahoma Register on September 3rd of 2019. The Department</p> <p>22 received no comments prior to or during the October 15th, 2019,</p> <p>23 Air Quality Advisory Council meeting. The Council unanimously</p> <p>24 approved the proposal at its October meeting. As Chair of the</p> <p>25 Air Quality Coun-- Advisory Council, I recommend that the Board</p>
<p style="text-align: right;">Page 8</p> <p>1 approve the proposed Chapter 100-2 and Appendix Q revisions as</p> <p>2 permanent rules. And that is the first of the three.</p> <p>3 CHAIRMAN JAMES KINDER: Okay. Any discussion</p> <p>4 about that right now?</p> <p>5 (No response.)</p> <p>6 CHAIRMAN JAMES KINDER: If not, I'll accept a</p> <p>7 motion.</p> <p>8 MR. PERRY MARK BARTON: Motion to approve.</p> <p>9 CHAIRMAN JAMES KINDER: I've got a motion to</p> <p>10 approve.</p> <p>11 MR. MIKE PAQUE: Second -- second.</p> <p>12 CHAIRMAN JAMES KINDER: There's a second.</p> <p>13 Any discussion from the Board? Any discussion</p> <p>14 from the public?</p> <p>15 (No response.)</p> <p>16 CHAIRMAN JAMES KINDER: Then we'll have a roll</p> <p>17 call vote.</p> <p>18 MS. QUIANA FIELDS: Mr. Barton.</p> <p>19 MR. PERRY MARK BARTON: Yes.</p> <p>20 MS. QUIANA FIELDS: Mr. Griesel.</p> <p>21 MR. DAVID GRIESEL: Yes.</p> <p>22 MS. QUIANA FIELDS: Dr. Hammon.</p> <p>23 DR. TRACY HAMMON: Yes.</p> <p>24 MS. QUIANA FIELDS: Mr. Hirshey.</p> <p>25 MR. KENNETH HIRSHEY: Yes.</p>	<p style="text-align: right;">Page 9</p> <p>1 MS. QUIANA FIELDS: Ms. Kindrick.</p> <p>2 MS. ALEXANDRIA KINDRICK: Yes.</p> <p>3 MS. QUIANA FIELDS: Ms. Kunze.</p> <p>4 MS. JAN KUNZE: Yes.</p> <p>5 MS. QUIANA FIELDS: Mr. Munson.</p> <p>6 MR. TIM MUNSON: Yes.</p> <p>7 MS. QUIANA FIELDS: Mr. Nicholson.</p> <p>8 MR. HOMER NICHOLSON: Yes.</p> <p>9 MS. QUIANA FIELDS: Mr. Paque.</p> <p>10 MR. MIKE PAQUE: Yes.</p> <p>11 MS. QUIANA FIELDS: Mr. Sims.</p> <p>12 MR. BILLY SIMS: Yes.</p> <p>13 MS. QUIANA FIELDS: Mr. Kinder.</p> <p>14 CHAIRMAN JAMES KINDER: Yes.</p> <p>15 MS. QUIANA FIELDS: Motion passed.</p> <p>16 CHAIRMAN JAMES KINDER: Continue. Thank you.</p> <p>17 MS. LAURA LODES: Okay. Item Number 2, Subchapter</p> <p>18 39, Emissions of Volatile Organic Compounds (VOCs) to</p> <p>19 nonattainment and former nonattainment areas. The Department's</p> <p>20 proposing to revoke OAC 252:100-39-49, manufacturing of</p> <p>21 fiberglass reinforced plastic products because the original</p> <p>22 intended applicability of this rule is no longer practical with</p> <p>23 the promulgation of 40 CFR Part 63, Subpart WWWW, National</p> <p>24 Emission Standards for Hazardous Air Pollutants: Reinforced</p> <p>25 Plastic Composites Production. The ratification of such rule</p>

<p style="text-align: right;">Page 10</p> <p>1 will eliminate an outdated rule that was dually regulating 2 facilities. Notice of the proposal change was published in the 3 Oklahoma Register on September 3rd of 2019. The Department 4 received no comments prior to or during the October 16th, 2019, 5 Air Quality Advisory Council meeting. The Council unanimously 6 approved the proposal at its October meeting. As Chair of the 7 Air Quality Advisory Council, I recommend that the Board 8 approve the proposed revocation of Chapter 100-39-49 as a -- as 9 a permanent rule. 10 CHAIRMAN JAMES KINDER: Okay. Any discussion? 11 (No response.) 12 CHAIRMAN JAMES KINDER: If not, I'll look for a 13 motion? 14 MR. DAVID GRIESEL: I'll motion. 15 CHAIRMAN JAMES KINDER: We've got -- got a motion. 16 Do we have a second? 17 MR. KENNETH HIRSHEY: Second. 18 CHAIRMAN JAMES KINDER: Motion and second. 19 Okay. Anymore discussion from the Board? Anymore 20 discussion from the public? 21 (No response.) 22 CHAIRMAN JAMES KINDER: If not, we'll have a roll 23 call vote. 24 MS. QUIANA FIELDS: Mr. Barton. 25 MR. PERRY BARTON: Yes.</p>	<p style="text-align: right;">Page 11</p> <p>1 MS. QUIANA FIELDS: Mr. Griesel. 2 MR. DAVID GRIESEL: Yes. 3 MS. QUIANA FIELDS: Dr. Hammon. 4 DR. TRACY HAMMON: Yes. 5 MS. QUIANA FIELDS: Mr. Hirshey. 6 MR. KENNETH HIRSHEY: Yes. 7 MS. QUIANA FIELDS: Ms. Kindrick. 8 MS. ALEXANDRIA KINDRICK: Yes. 9 MS. QUIANA FIELDS: Ms. Kunze. 10 MS. JAN KINZE: Yes. 11 MS. QUIANA FIELDS: Mr. Munson. 12 MR. TIM MUNSON: Yes. 13 MS. QUIANA FIELDS: Mr. Nicholson. 14 MR. HOMER NICHOLSON: Yes. 15 MS. QUIANA FIELDS: Mr. Paque. 16 MR. MIKE PAQUE: Yes. 17 MS. QUIANA FIELDS: Mr. Sims. 18 MR. BILLY SIMS: Yes. 19 MS. QUIANA FIELDS: Mr. Kinder. 20 CHAIRMAN JAMES KINDER: Yes. 21 THE COURT: Motion passed. 22 CHAIRMAN JAMES KINDER: Two out of three. Go 23 ahead. 24 MS. LAURA LODES: And last but not least, Open 25 Burning. The Department's proposing to amend OAC 252:100-13,</p>
<p style="text-align: right;">Page 12</p> <p>1 Open Burning, to conform DEQ rules to statutory changes en-- 2 enacted in the 2019 legislative session. DEQ is also proposing 3 to add a new section, 252:100-13-8.1, for the same purpose. 4 The law changes an added provision for open burning of certain 5 medical marijuana plant parts and mod-- and modified when an 6 air curtain incinerator is required. The proposal may 7 primarily effect when air curtain incinerators are used outside 8 of the Oklahoma City and Tulsa Metropolitan statistical areas 9 as well as medical marijuana commercial licensees, medical 10 marijuana research facilities, and medical marijuana 11 educational facilities. In addition, the changes were made in 12 Section 13-2 definitions to update -- or re-- to reflect an 13 update in terminology from ozone "watch" to ozone "alert" for 14 ozone particulate matter notifications. Section 13-7(1), Fire 15 Training was also amended to clarify specific inspection and 16 removal requirements, as provided for in the Oklahoma Clean Air 17 Act. This rulemaking was intended to implement the statutory 18 changes made in the 2019 legislative session to add a provision 19 for open burning of certain medical marijuana plants and to 20 modify when an air curtain incinerator is required as well as 21 to make other minor clarifications to the rule. Notice of 22 proposed rule changes was published in the Oklahoma Register on 23 September 3rd of 2019. Comments were received from the USEPA 24 prior to October 16th, 2019. Air Quality Advisory Council and 25 DEQ added statutory references to the, Medical Marijuana Waste</p>	<p style="text-align: right;">Page 13</p> <p>1 Management Act, ancillary rules that responded to EPA's 2 comments. After li-- deliberation and some additional 3 revision, the Council unanimously approved the proposed changes 4 at its October meeting. As Chair of the Air Quality Advisory 5 Council, I recommend that the Board adopt the proposed 6 revisions to Chapter 100-13 as permanent rules. 7 CHAIRMAN JAMES KINDER: Okay. Any discussion or 8 questions? 9 (No response.) 10 CHAIRMAN JAMES KINDER: If not, I'll -- 11 MR. BILLY SIMS: Move to approve. 12 CHAIRMAN JAMES KINDER: Got a motion to approve. 13 MR. TIM MUNSON: Second. 14 CHAIRMAN JAMES KINDER: Second. 15 Any discussion by the Board or questions? Any 16 discussion or questions by the Board or the -- the public? 17 (No response.) 18 CHAIRMAN JAMES KINDER: If not, we'll have a roll 19 call vote. 20 MS. QUIANA FIELDS: Mr. Barton. 21 MR. PERRY MARK BARTON: Yes. 22 MS. QUIANA FIELDS: Mr. Griesel. 23 MR. DAVID GRIESEL: Yes. 24 MS. QUIANA FIELDS: Dr. Hammon. 25 DR. TRACY HAMMON: Yes.</p>

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<p>1 MS. QUIANA FIELDS: Mr. Hirshey. 2 MR. KENNETH HIRSHEY: Yes. 3 MS. QUIANA FIELDS: Ms. Kindrick. 4 MS. ALEXANDRIA KINDRICK: Yes. 5 MS. QUIANA FIELDS: Ms. Kunze. 6 MS. JAN KUNZE: Yes. 7 MS. QUIANA FIELDS: Mr. Munson. 8 MR. TIM MUNSON: Yes. 9 MS. QUIANA FIELDS: Mr. Nicholson. 10 MR. HOMER NICHOLSON: Yes. 11 MS. QUIANA FIELDS: Mr. Paque. 12 MR. MIKE PAQUE: Yes. 13 MS. QUIANA FIELDS: Mr. Sims. 14 MR. BILLY SIMS: Yes. 15 MS. QUIANA FIELDS: Mr. Kinder. 16 CHAIRMAN JAMES KINDER: Yes. 17 MS. QUIANA FIELDS: Motion passed. 18 CHAIRMAN JAMES KINDER: Okay. 19 MS. LAURA LODES: Thanks. You guys were easy 20 today. 21 CHAIRMAN JAMES KINDER: Thank you, Ms. Lodes. 22 We appreciate the -- the heavy lifting that your 23 Advisory Council do for us. It really helps me and the Board 24 know what the industry is needing and what they're looking for. 25 So thank you for all doing all the work. It makes it sound</p>	<p>1 easy up here, but I know that you back in the -- in the -- in 2 the room with your advisory councils, y'all do a good job, so 3 thank you. 4 MS. LAURA LODES: I appreciate it. Thanks. 5 CHAIRMAN JAMES KINDER: Okay. Next up, I guess, 6 is Radiation Management, Kelly Dixon, I guess. 7 MS. KELLY DIXON: Good morning. Is this on? 8 CHAIRMAN JAMES KINDER: Yes, I believe. 9 MS. KELLY DIXON: The Chair of our Radiation 10 Management Advisory Council couldn't make it, so that's why you 11 guys have me today. 12 This rulemaking does several things intended to 13 keep our Oklahoma rules up to date and compatible with the 14 federal rulings of the Nuclear Regulatory Commission, as we are 15 required to do by federal law. In Subchapter 1 of Chapter 410, 16 we have changed the date of our document we referenced to 17 incorporate the current NRC rules as of 2019. In several 18 places in the rules made in Section 410-10-30, 10-32, and 19 10-35, we have changed numbering and items to conform with the 20 updated NRC rules and to reorganize, to clarify, and update the 21 rules. These include numerous changes. Some of the most 22 important ones are the ability to add an associate radiation 23 safety officer to a medical license and changes to the process 24 and qualifications to approve authorized users on medical 25 licenses. There are also updated requirements for reporting</p>
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<p>1 failures of certain medical equipment and procedures. This 2 rulemaking also corrects an error in our rules that -- made 3 when 10 CFR 40 was adopted. The Council has approved the rules 4 in the September meeting. And on behalf of the Council, they 5 recommend you guys approve the rules. 6 CHAIRMAN JAMES KINDER: Okay. Any questions by 7 the Board at this time? 8 (No response.) 9 CHAIRMAN JAMES KINDER: If not, I would seek a 10 motion. 11 MR. KENNETH HIRSHEY: Motion. 12 CHAIRMAN JAMES KINDER: Motion -- 13 MR. PERRY MARK BARTON: Second. 14 CHAIRMAN JAMES KINDER: -- motion and second to 15 pass. 16 Any questions by the Board? Any questions by the 17 public? 18 (No response.) 19 CHAIRMAN JAMES KINDER: All right. We'll have a 20 roll call vote. 21 MS. QUIANA FIELDS: Mr. Barton. 22 MR. MARK PERRY BARTON: Yes. 23 MS. QUIANA FIELDS: Mr. Griesel. 24 MR. DAVID GRIESEL: Yes. 25 MS. QUIANA FIELDS: Dr. Hammon.</p>	<p>1 DR. TRACY HAMMON: Yes. 2 MS. QUIANA FIELDS: Mr. Hirshey. 3 MR. KENNETH HIRSHEY: Yes. 4 MS. QUIANA FIELDS: Ms. Kindrick. 5 MS. ALEXANDRIA KINDRICK: Yes. 6 MS. QUIANA FIELDS: Ms. Kunze. 7 MS. JAN KUNZE: Yes. 8 MS. QUIANA FIELDS: Mr. Munson. 9 MR. TIM MUNSON: Yes. 10 MS. QUIANA FIELDS: Mr. Nicholson. 11 MR. HOMER NICHOLSON: Yes. 12 MS. QUIANA FIELDS: Mr. Paque. 13 MR. MIKE PAQUE: Yes. 14 MS. QUIANA FIELDS: Mr. Sims. 15 MR. BILLY SIMS: Yes. 16 MS. QUIANA FIELDS: Mr. Kinder. 17 CHAIRMAN JAMES KINDER: Yes. 18 MS. QUIANA FIELDS: Motion passed. 19 CHAIRMAN JAMES KINDER: Thank you. 20 MS. KELLY DIXON: Thank you. 21 CHAIRMAN JAMES KINDER: Next -- next up is Item 7, 22 Consideration of and Action on the Annual Environmental Quality 23 Report. And I happen to know Jimmy got here a little early so 24 he could work on his presentation. He told me so. So I'm 25 really looking forward to seeing that presentation today.</p>



<p style="text-align: right;">Page 18</p> <p>1 MR. JIMMY GIVENS: You know how to put the 2 pressure on. 3 (Laughter.) 4 MR. JIMMY GIVENS: I didn't expect to have to be 5 awake this early. Y'all went through the rules too fast. 6 The "Environmental Quality Report", as all of you 7 who have been on the Board awhile know, is -- and you may want 8 to move around where you can see. I'll try to move through 9 this fairly quickly -- has three purposes. This is one of the 10 statutory requirements for the reports in the Environmental 11 Quality Code. And we have two reports. One is the 12 "Environmental Quality Report", which, kind of, is a little 13 ahead of the near future, what are we preparing to address. 14 And then you'll hear a little bit later about the annual 15 report, which is a look back at what has been accomplished over 16 the past year. 17 What the statute requires us to address in the 18 "Environmental Quality Report" is a recap of annual needs, as 19 the statute puts it, is, basically, the budget request, any new 20 federal mandates, and any recommendations that we have for 21 legislation going forward into the 2020 session. 22 The Budget Request -- I will be very brief because 23 you actually approved this in the September meeting. We have 24 to submit it by October the 1st, so it actually has to come a 25 little bit earlier in the year. And you may recall that we</p>	<p style="text-align: right;">Page 19</p> <p>1 requested and you approved a budget and appropriations request 2 for about \$21,000,000. That, basically, is a flat request, 3 except for asking for \$13,000,000 for the parking garage, which 4 as you are well aware we are in desperate need of major repair 5 or replacement of the parking garage. So that's why it's a 6 much higher figure than it was this year. 7 Federal Mandates, let me just say going in that 8 federal mandates, what I'm going to be talking about today is a 9 slight misnomer. We will talk about some of the things that we 10 are required to do in order to maintain delegations of federal 11 programs, but we're also going to touch on a few things that we 12 don't absolutely have to do, we're not required to do, but they 13 impact DEQ in some major way. So even though they may be 14 voluntary programs in one sense, in the other sense it doesn't 15 make much sense where it's not to -- to address them. So I 16 will touch on a few of those. And I will not -- in order to 17 avoid repeating myself, I'll just say right upfront, most 18 federal mandates do not come with additional funding. 19 Sometimes they do, but, generally, we have to absorb that as 20 part of the delegated program. And maybe we get a slight bump 21 in grants here or there, but to say, okay, well, we're going to 22 take on this mandate, and they're going to give us this much 23 money for that mandate, that, typically, is not how it works. 24 Just running through a few of these Air Quality, 25 Volkswagen Mitigation Trust, most of you know that we had a</p>
<p style="text-align: right;">Page 20</p> <p>1 settlement with the EPA a few years ago because of "defeat 2 devices" giving false readings on your emission testing. And 3 so we, in Oklahoma, are getting about \$21,000,000 over the 4 course of several years to try to address some fuel emission, 5 diesel buses, primarily, is one part of the program. And then 6 also electric charging stations. We're well down the road -- 7 no pun intended -- on the diesel bus conversion, but the 8 electric charging stations are underway now. I think there's 9 some MOUs that have to be signed before we actually get the -- 10 the work going around the state. But I just wanted to mention, 11 while we're on the subject, this is -- it's just an added 12 impetus to what's already going on. I know there was a 13 conference recently. And I believe it was Western Farmers that 14 reported that within the state of Oklahoma we are generally 15 considered to be well in advance of nearly all the other states 16 in terms of deployment and charging stations. So this will 17 just give a little extra bump to that -- to that program. 18 I don't think -- I know some of you asked, most of 19 you are well aware that we have been, kind of, on the 20 borderline there. We are still in attainment, 2019, has been 21 relatively good. The 2018 was not so good. So we have to 22 measure over the course of three years, taking the average of 23 the fourth-highest reading at each station. So we're not out 24 of the woods. We'll have to particularly watch in 2020 and 25 continue to work with some of the other state holders,</p>	<p style="text-align: right;">Page 21</p> <p>1 including the Councils and Government to try to make sure we 2 stay in attainment. 3 Regional Haze is a visibility issue. We have one 4 Class 1 Area in Oklahoma. That's in the Wichita Mountains 5 Area. We, additionally, submitted a state implementation plan 6 in 2010. We've had to update that. We've had to give a 7 progress report. And that's -- submittal is due in 2021, but 8 we feel like we're pretty well on track to -- to continue the 9 progress that we have to show as part of that Regional Haze 10 Program. 11 And this is the one you've probably heard the most 12 about in the past year or so. But just a couple of months ago 13 EPA finalized the American Clean Energy -- or Affordable Clean 14 Energy Rule -- sorry. And that is the replacement for the 15 Obama-era rule that had to do with greenhouse gases. The 16 earlier rule had a variety of mechanisms that were envisioned 17 to try to reduce greenhouse gas emissions from power plants. 18 The ACE rule focus is on inside the fence line types of 19 emission reductions, so it's a more-focused approach. Our 20 sub-- submittal on that's due in 2022. Surprised no one in 21 here that litigations are well underway, under that new rule. 22 Pause for a minute. That's kind of some of the 23 highlights from the Air Quality part in this presentation. 24 Does anybody have any questions so far? If I can't answer 25 them, we probably have somebody here that can.</p>

<p style="text-align: right;">Page 22</p> <p>1 MR. MIKE PAQUE: So, Jimmy, I have -- I have one 2 question on -- is -- is it -- your prefaces that litigation 3 started or something like that. Does that -- so there -- there 4 is no requirement to implement or move forward on the -- the 5 state implementation plan. I was just -- I was just going to 6 -- I -- I -- I don't have an opinion on it one way or the 7 other. I'm wondering what effect that has on it. 8 MR. JIMMY GIVENS: Eddie, can you -- we -- I 9 assume we're going to go ahead and start our planning even 10 though we don't know the outcome of the litigation. Is that 11 fair to say? 12 MR. EDDIE TERRILL: Well, sort of. We reached out 13 to our respective utilities, and to get a sense of urgency from 14 them, and so far we haven't really got any. It's a lot of work 15 surrounding the environmental technology from the last rule, a 16 lot of work on our part from an environmental aspect. I would 17 recommend us holding off as long as we possibly can, going 18 further than just gathering initial data. There's some 19 question about the data we have to give, whether that's 20 confidential information, whether you protect that. There's a 21 lot of issues that you got to work through. Litigation is 22 probably going to drag it on through the national election so 23 -- but -- but we're going to work with our utilities because 24 they're the ones who are going to have to implement this. And 25 if we get a -- a sense that they need to move forward, we'll do</p>	<p style="text-align: right;">Page 23</p> <p>1 that. We've a lot of planning, a lot of looking, and not do a 2 lot of moving forward until some of it clears up a little bit 3 because it could change dramatically in -- in 12 to 18 months, 4 but we will -- we will have something to submit whenever the 5 time's up. 6 MR. MIKE PAQUE: -- well, it -- I -- I agree. I'm 7 glad I heard everything you said. My con-- my concern here was 8 that we rush off and -- and start doing too much and then 9 there's -- it's never fully implemented and we spend all the 10 staff time and we monitor so.. -- 11 MR. EDDIE TERRELL: My concern as well. 12 MR. MIKE PAQUE: -- I appreciate your approach. 13 MS. LAURA LODES: And then they -- they -- power 14 plants have asked me where we are and where we aren't. And so 15 they don't seem to be -- they just want to know if we're -- if 16 we're planning -- interested planning on doing anything. And 17 we said yes we plan on doing something but not pushing forward 18 too much at this time and that seems to satisfy. 19 CHAIRMAN JAMES KINDER: That's good. 20 MR. JIMMY GIVENS: If there's nothing else on 21 that, we'll talk about Land Protection. And there's really 22 only one item that I have to highlight here, and that's the 23 continuing saga over the Coal Combustion Residuals. We will -- 24 it was notable that Oklahoma was the first state to receive 25 authorization to administer a CCR program from the EPA that has</p>
<p style="text-align: right;">Page 24</p> <p>1 been challenged in court. In the meantime the EPA is making 2 some revisions to -- to the programs and their rule, which may 3 impact us. Those two things together may impact us. So while 4 we have a program in place, we may be back here in your -- 5 asking for some revisions to that, depending on what happens in 6 the court cases and what the EPA decides to do with their rule, 7 but -- but we're -- we're number one. 8 Now, moving to water, so let me pause again. Does 9 anybody have any questions on CCR? 10 CHAIRMAN JAMES KINDER: Jimmy, do you happen to 11 know anything about the time -- schedule of those court cases? 12 I know that sometimes you're waiting on judges and that's an 13 unknowable, but I didn't know if you had any kind of timeline. 14 MR. JIMMY GIVENS: You know, we're talking 15 typically years -- 16 CHAIRMAN JAMES KINDER: Yeah. 17 MR. JIMMY GIVENS: -- so I do not know. 18 Jennifer, do you have any insight? 19 ASSISTANT ATTORNEY GENERAL JENNIFER LEWIS: So the 20 -- in the -- got it. All right. Yeah. So yesterday I checked 21 the docket on the case that Oklahoma has intervened on, and 22 there has not been any activity since we filed our Motion For 23 Summary Judgment. And all the parties have filed their 24 motions, so we're now waiting on the courts to rule and -- so 25 that's been since August. Our Assistant General is leading</p>	<p style="text-align: right;">Page 25</p> <p>1 that through the AG's Office, the litigation aspects of it, and 2 he was recently asked whether he thought that would be called 3 to oral argument. He thought, maybe, a 25 percent chance it 4 may go to oral argument, but at this point we're just waiting 5 on the judge. 6 CHAIRMAN JAMES KINDER: Okay. 7 MR. JIMMY GIVENS: Thank you. 8 On Water Quality, starting with Wastewater. 9 Again, unlike the -- between power and the ACE Rule, this is 10 the one that you certainly have heard a lot about the Waters of 11 the US or the Clean Water Rule. The rule that was adopted, 12 again, during the Obama Administration has now been re-- 13 repealed. What that means is that we are back to where we were 14 several years ago with the Rapanos court case and trying to 15 figure out how to apply that. Now, the current administration 16 is working on a replacement rule, and we're going to have to 17 see what it looks like when it comes out. We don't know what 18 it's going to say at this point, but we're kind of back to a 19 case-by-case determination, like I said, where we were several 20 years ago because of repeal of that Waters of the US Rule. 21 Oil and Gas ELGs and Lim-- Limitation Guidelines, 22 the -- the important point here is not so much what the ELGs 23 will say, but that DEQ will become a permanent authority at 24 some for these discharges. And so I wanted to make sure you're 25 aware of that. That came about because of the statute that was</p>

<p style="text-align: right;">Page 26</p> <p>1 passed. What was it, 20-- 2018 session, I think. And then 2 some discussions between the Corporation Commission and the 3 DEQ. And, basically, the Corporation Commission deferred to us 4 for this particular program. So we will be the permitting 5 authority when -- when that gets transferred from EPA. 6 Water Reuse Action Plan is not a mandate, but it 7 is an initiative to try to encourage water reuse around the 8 country. The important point here is simply we are involved in 9 the process very actively. We're trying to make sure that EPA 10 understands that there are variations among the states and 11 among the regions and to encourage them to not try a "one size 12 fits all" approach to the -- the Water Reuse Plan. 13 Moving from Wastewater to Drinking Water, 14 Perchlorate. Many of you probably are aware that there's 15 something called the Unregulated Contaminant Monitoring Rule. 16 I think I have that right. And what that, basically, requires 17 EPA to do is to take a look on an ongoing basis of whether 18 there are additional contaminants that should be considered for 19 regulation under the Drinking Water Rules. Perchlorate, I 20 think, was initially put on as uncontaminated or unregulated 21 contamin-- contam-- unregulated contaminant monitoring list 22 about 20 years ago. And they've been back and forth on whether 23 where they were going to add it or not. Now, they've been MCL 24 56 ppb that will affect some places in Oklahoma, if it's 25 adopted. There are perchlorate issues in Oklahoma. I don't</p>	<p style="text-align: right;">Page 27</p> <p>1 know how the 56 ppb will fallout or if that's going to factor 2 in or not. 3 Where's Mark? 4 MR. MARK HILDEBRAND: Right here. 5 MR. JIMMY GIVENS: Do you know what we're going to 6 have -- do you know if that's -- that standard could affect... 7 MR. MARK HILDEBRAND: I think we're -- not a whole 8 lot, but it could affect some. 9 MR. JIMMY GIVENS: As you can see, the final rule 10 on that suspected of about a year. Lead and copper, as you 11 know, lead has been a big deal over the past few years. The 12 EPA issued a proposed revised rule in October. It has to do 13 with the amount of sampling that has to be done, of course, 14 corrosion control, contributing to lead problems. That's the 15 -- and so that's why this rule is out of the proposed form now. 16 And along that same line, there was a bill that went through 17 Congress that has to do, in part, with lead. And its focus is 18 on testing in facilities that currently are not mandated to be 19 tested -- tested. Schools and day cares, obviously, a very 20 vulnerable population. So that's probably the most important 21 feature of that particular bill to Congress, and we are 22 actively working to try to make sure that we pursue that sort 23 of lead testing in those facilities. 24 And you can see some of the other aspects of that 25 particular act. I think all I'm going to say, in addition,</p>
<p style="text-align: right;">Page 28</p> <p>1 about this act and the so-called WIIN Act, Water Infrastructure 2 Improvements for the Nation, is that both of those stress very 3 strongly the need to help all water systems, but in particular 4 the smaller water systems. And in Oklahoma the great majority 5 of our -- our considered small water systems to simply do more 6 than run the plant in the day-to-day operations. How can we 7 help make sure that they're looking down the road a little bit 8 on what's going to have to happen in future years? What's 9 coming down the pike? How do you get the systems and the 10 planning in place to make sure, you know, you continue to 11 operate the system? Do you have the personnel in place? Do 12 you have the financial structure in place so that the system 13 can operate on a sustainable basis. So both of those acts play 14 into that and we get some grant money to help encourage that 15 sort of planning and hopefully make these smaller systems where 16 they're able to operate on a little bit more sustainable basis 17 rather than just reactive to whatever's going on at that 18 particular time. 19 And, finally, I've -- I've thrown this up under 20 miscellaneous. It does have a strong water component to it. 21 Really, every division in the agency is impacted in some way by 22 -- by PFAS, per- and polyfluoroalkyl substances. I'm proud 23 just to be able to say that, just about exhausted my 24 intelligence, except what it is about them is a pervasive and 25 ubiquitous problem. Everything from firefighting, foams, and</p>	<p style="text-align: right;">Page 29</p> <p>1 water resistant clothing to nonstick cookware and anything else 2 you can think of has PFAS components to it. And it's becoming 3 a big, big deal. It is something that's getting looked at very 4 closely by the EPA, by Department of Defense, academics, 5 environmental agencies. Nobody really knows what's going to 6 come of this. All we know is that it is, as I said, 7 ubiquitous. It's going to be something that we have to pay a 8 lot of attention to over the coming years to see what it -- 9 MCLs has come out, for example, in their standards for cleanup, 10 all that sort of thing. So that's just, kind of, put on your 11 radar screen, if it's not already. 12 I think all -- that's all I had in the way of 13 federal mandates or federal provisions. So let me stop one 14 more time right there and see if anybody has any questions on 15 what we've touched on here the last few minutes. 16 (No response.) 17 MR. JIMMY GIVENS: If not, the last thing and the 18 last part of the Environmental Quality Report is Legislative 19 Recommendations. DEQ has two for the month for you to approve. 20 One, we are, again, asking for your help in pursuing some means 21 of replacing our parking garage. There are different ways, 22 actually, of approaching that, but what we are asking for, in 23 particular, right now, is that we can, "A", this is -- as we 24 indicated, we would like to go ask for appropriated money to do 25 that. If that fails, then we will either need to go the route</p>

<p style="text-align: right;">Page 30</p> <p>1 of a bond issue or asking for money out of what's called the  2 Maintenance of State Buildings Revolving Fund. Those are the  3 three avenues that we might have to try to get the money to do  4 this. Honestly, the State Building Revolving Fund is probably  5 not very likely. I don't think it has much money in there that  6 could buy us some appropriations. And when surplus state  7 property is sold, the money goes into that fund. But as you  8 can imagine, there is a great deal of demand for what little  9 money is going into it. So that may be the longest shot of the  10 three options. But, anyway, we are going to pursue those three  11 and hopefully get at least some movement that we haven't been  12 able to get so far.</p> <p>13 And, secondly, as we mentioned here previously,  14 there was a bill passed in the 2019 legislative session that  15 would sunset our councils -- four of the five councils that we  16 have -- in 2020. Now, these were not the only councils, not  17 the only boards or commissions or councils that were set up to  18 receive a 2020 sunset review, but these are so valuable to us  19 -- and we believe to you -- that it is important for us to say  20 to the legislature, we -- we feel like these desperately need  21 to continue. It may be -- might be a bill introduced  22 independent of anything we do. Often the Chair of the  23 Administrative Rules Committee will introduce a bill that takes  24 into account the need to renew several board recommendations.  25 So we're going to keep our eye on it, but we need to introduce</p>	<p style="text-align: right;">Page 31</p> <p>1 some sort of -- and make sure we have a place hold so that when  2 the time comes we have a vehicle, if we need to pursue it to  3 renew our councils. So those are the two things we're asking  4 for your approval on, as far as legislative requests.</p> <p>5 And with that, I will stop and, again, be happy to  6 try to answer any questions you have or request your approval  7 of the Environmental Quality Report, which, of course, is in  8 your packets.</p> <p>9 CHAIRMAN JAMES KINDER: Okay. Thank you.</p> <p>10 Any questions? I know we covered a lot of things  11 here and lot of new things are coming up on the horizon here.  12 Questions?</p> <p>13 MR. BILLY SIMS: A comment he made earlier, I  14 don't believe I want to serve on this Board without the  15 Advisory Council to inform us in some detail of the issues that  16 we're voting on. So without that, we need to push through the  17 continuation of that. I'd -- I'd make that as a formal motion,  18 if that's appropriate, or to pursue the Legislative  19 Qualification Board continuing Advisory Council.</p> <p>20 MR. JAMES KINDER: Okay. You want to do that  21 separate or we able to do this thing also --</p> <p>22 MR. BILLY SIMS: Just --</p> <p>23 MR. JAMES KINDER: -- do the --</p> <p>24 MR. BILLY SIMS: -- whatever they --</p> <p>25 CHAIRMAN JAMES KINDER: -- Environmental Quality</p>
<p style="text-align: right;">Page 32</p> <p>1 Report.</p> <p>2 (Simultaneous crosstalk.)</p> <p>3 CHAIRMAN JAMES KINDER: Okay.</p> <p>4 MR. BILLY SIMS: I'd be agreeable to that.</p> <p>5 CHAIRMAN JAMES KINDER: You'd be agreeable to that  6 to receive and file the Annual Environmental Quality Report?</p> <p>7 MR. BILLY SIMS: Yeah.</p> <p>8 CHAIRMAN JAMES KINDER: With those comments, I  9 appreciate it, because that -- I do believe that this Board's  10 job would be infinitely harder without the Councils.</p> <p>11 MR. MIKE PAQUE: Jimmy, as someone who's served on  12 Water Council for 12 -- 12 or couple more years than that,  13 anyhow, I can tell you, I agree with Billy wholeheartedly. I  14 think we all do, obviously. The -- the hours spent in those  15 Councils and small committee meetings would -- would vacate  16 this Board if we -- if -- for us to put that kind of time in,  17 I'm telling you. If you took all the -- all the councils and  18 all the work they do in -- in one quarter period as volunteer  19 councils or appointed councils is incredible so it's -- I think  20 if we -- Scott, you would know this anyway, but that's one  21 argument to be made. We couldn't -- we wouldn't -- you  22 wouldn't want to call on a body like this to do 16 or 18 hours  23 worth of work every month so it's a -- it's a matter of time  24 too.</p> <p>25 DR. TRACY HAMMON: Well, and -- and I don't think</p>	<p style="text-align: right;">Page 33</p> <p>1 we have necessarily the expertise that these Councils have.  2 They are placed -- experts representing various sectors on the  3 Board so that by the time the rulemaking comes to us it's very  4 well vetted. It's -- it has eyes on it, you know, like the  5 radiation rulemaking. That just came to us as an area that I  6 couldn't necessarily do the sweat equity in myself, but it's  7 very comforting to read their minutes, their feedback, their  8 comments and that is a sound decision for the State.</p> <p>9 CHAIRMAN JAMES KINDER: Very good.</p> <p>10 Anymore discussion? I'm -- guess I'm looking for  11 a second.</p> <p>12 MR. HOMER NICHOLSON: I'm kind of wondering why  13 the legislature would sunset those. They're not state funded;  14 are they? I mean, they're volunteer councils; is that right?  15 So why would the legislature...</p> <p>16 MR. SCOTT THOMPSON: The only cost for the  17 Councils is travel for some folks who travel far enough to --  18 to be reimbursed for it.</p> <p>19 MR. HOMER NICHOLSON: Okay.</p> <p>20 MR. SCOTT THOMPSON: So there's some travel cost,  21 but it's very minor. It's minuscule, really. And this was  22 done not for good reason, not for understanding what they were  23 even doing. And I thought it was stopped a couple of times and  24 -- and stayed a lot so...</p> <p>25 MR. HOMER NICHOLSON: My understanding, there's</p>

<p style="text-align: right;">Page 34</p> <p>1 149 sales tax exemptions that they were supposed to stay and 2 see about sunseting those. 3 MR. SCOTT THOMPSON: Yeah. 4 MR. HOMER NICHOLSON: Those weren't sunset. Got 5 caught -- we got caught into that context or not. 6 MR. SCOTT THOMPSON: No. I expect this will be 7 straightened out, but it may take some additional encouragement 8 of the legislature to make sure it happens. So it's -- it's 9 just one of those things that I think our -- our system was set 10 up perfectly. You -- you know, I keep telling legislators and 11 others the last thing you'd want is us bureaucrats writing the 12 rules by ourselves. We want government. We want other 13 interested parties and interested folks, who are -- who are 14 impacted by the rules to help us understand how to write them 15 right in the first place and not have unintended consequences, 16 et cetera. And also to get the word out that if we have to 17 adopt a federal rule, here it is and here's why and kind of get 18 ready for it so... 19 MR. DAVID GRIESEL: Mr. Chair, I'll second. 20 CHAIRMAN JAMES KINDER: There's second. 21 Okay. We can continue discussions, if we need to. 22 I'll concur to everything that's been -- I think this is 23 actually -- may be an education process for the legislators. I 24 think they not necessarily picked on us, I think they've picked 25 on everybody and they just wiped the slate clean. And then</p>	<p style="text-align: right;">Page 35</p> <p>1 they're going to rewrite, put -- put back, as they see fit. 2 And I think that it's our job here and -- to make sure they 3 educate just what's been said before; that we are in the state 4 of Oklahoma to regulate the community -- in a better position 5 because of those Councils. And for the cost -- the cost is not 6 -- not the question here, I think. But I think we got just, 7 kind of, caught in the overall general sweep and -- and we just 8 have to make sure we educate those that -- that are involved to 9 -- to -- to bring us back in. And -- and I hope that the 10 Councils don't feel like they're being picked on for doing a 11 bad job. That's far from the case here. 12 So anymore discussion? 13 (No response.) 14 CHAIRMAN JAMES KINDER: I have a motion, a second 15 to receive and file the annual report. Anything from the 16 public? 17 (No response.) 18 CHAIRMAN JAMES KINDER: Okay. We'll have the roll 19 call vote. 20 MS. QUIANA FIELDS: Mr. Barton. 21 MR. PERRY MARK BARTON: Yes. 22 MS. QUIANA FIELDS: Mr. Griesel. 23 MR. DAVID GRIESEL: Yes. 24 MS. QUIANA FIELDS: Dr. Hammon. 25 DR. TRACY HAMMON: Yes.</p>
<p style="text-align: right;">Page 36</p> <p>1 MS. QUIANA FIELDS: Mr. Hirshey. 2 MR. KENNETH HIRSHEY: Yes. 3 MS. QUIANA FIELDS: Ms. Kindrick. 4 MS. ALEXANDRIA KINDRICK: Yes. 5 MS. QUIANA FIELDS: Ms. Kunze. 6 MS. JAN KINZE: Yes. 7 MS. QUIANA FIELDS: Mr. Munson. 8 MR. TIM MUNSON: Yes. 9 MS. QUIANA FIELDS: Mr. Nicholson. 10 MR. HOMER NICHOLSON: Yes. 11 MS. QUIANA FIELDS: Mr. Paque. 12 MR. MIKE PAQUE: Yes. 13 MS. QUIANA FIELDS: Mr. Sims. 14 MR. BILLY SIMS: Yes. 15 MS. QUIANA FIELDS: Mr. Kinder. 16 CHAIRMAN JAMES KINDER: Yes. 17 MS. QUIANA FIELDS: Motion passed. 18 CHAIRMAN JAMES KINDER: So we're headed to -- to 19 Item 8, Budget Update and Financial Overview. 20 Kathy Aebischer, thank you for coming. 21 MS. KATHY AEBISCHER: Good morning. So I'm going 22 to give you an update. We've included the first quarter of the 23 fiscal year in 2020. And just to recap the impacts of the 24 legislative sweeps that Jimmy alluded to in his report, but, as 25 you know, we had 6,000,000 in cash swept from our account for</p>	<p style="text-align: right;">Page 37</p> <p>1 this fiscal year. And what -- the result of that is to 2 eliminate seven positions, six of those were in Air and one is 3 in Administration. We also have to delay replacement of our 4 parking garage, and we have to implement more administrative 5 procedures to continually monitor our cash, to make sure that 6 payroll is taken care of, number one, and then the commitments 7 that we have thus far that we can follow through. So this year 8 we're going to be okay. We're concerned for budget next year. 9 So we are going through already our main complaints for 2021 10 because we're going to have to make some hard decisions and 11 that's -- so -- not because of the sweeps but also some of our 12 revenue sources are falling. So next year will be harder than 13 this year. 14 So with the administration, with them taking the 15 sweeps what that does is we don't have a position to react when 16 we have revenue shortfalls. Usually, we kind of makeup for 17 that and then the next budget, we can make plans to adjust. So 18 they're limiting our ability of managing the agency 19 effectively. So that's, kind of, the impact of the legislative 20 sweeps. We've had a total of 33,000,000 swept from us. So 21 we're asking for the 13,000,000 at least so that we can do our 22 garage, which is in -- in desperate need, if you have not seen 23 it. So are there any questions on the legislative sweeps? 24 (No response.) 25 MS. KATHY AEBISCHER: Okay. We'll go into the</p>

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1 revenue for the first quarter. We are -- in total, we're a  
2 million more than we collected last year. A lot of that is the  
3 Volkswagen funds. Some areas of those that we're watching is  
4 the lab. They're 183,000 down the first quarter. We just sent  
5 out several invoices. So we hope the second quarter we can,  
6 kind of, catch up so we're watching the lab and also water's  
7 funds, the storm water is kind of trending in low so far so  
8 we're watching that.

9 Volkswagen is projected at 6.4. You look at air  
10 is why it's 19,000,000. It's mainly passthrough funds. We  
11 have a little administration, but the majority of those funds  
12 will just go to fund projects in our program. Any questions on  
13 the revenue?

14 (No response.)

15 MS. KATHY AEBISCHER: Okay. Expenditures, we are  
16 right on target with expenditures. We do have remaining  
17 28,000,000 that hasn't been committed yet. And that's due to  
18 federal grants that haven't been awarded. We've received  
19 awards on a few just recently, so you'll start seeing more of  
20 that committed. Then in the spring we're anticipating some  
21 federal awards coming through, but the majority of the  
22 28,000,000 is federal awards that we haven't been awarded yet  
23 and Volkswagen projects that haven't been awarded yet.

24 So if you look at the sources of funds, we broke  
25 out the state appropriations because if you remember we did

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1 for local folks to have them some input, if they wish.

2 The -- one of the things we have going on with the  
3 City of Woodward is we have the \$50,000 agreement to help them  
4 purchase a chipper. And, you know, there is -- that negates  
5 hopefully the need to burn brush, et cetera, and that can be  
6 turned into mulch and whatnot and used locally.

7 Another thing that's going on is we're proposing  
8 changes to Chapter 641, which is onsite sewage systems --  
9 individual sewage systems, septic systems. Richard McDaniel's  
10 heading up that effort. He's done a lot of outreach to the  
11 industry and to folks. And so that will be coming up before  
12 Water Quality Council. You know -- Richard is, you know, he  
13 likes to make his life challenging because he's also proposed  
14 removal of the percolation test as a water method to be phased  
15 out in July 2023. So I think that will garner the most  
16 commentary from folks. Those tests work if you do them just  
17 right, if you really follow that procedure, but it's easy to  
18 not follow procedure and have an error in terms of how well  
19 soil will take something. So we move one more to soil profiles  
20 to get a more accurate understanding of how much treatment and  
21 how much load a particular area can take for that. We've also  
22 seen -- there -- there's some potential to extend the roving  
23 systems for commercial facilities where you don't have  
24 adequate, sole capacity to -- to do a standard system. And the  
25 -- if the proposed changes get through the Board and through

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1 receive 500,000 to fund lab equipment replacement, also to fund  
2 -- 500,000 to further our program with rural water, sustainable  
3 infrastructure, and then the gen-- general appropriations,  
4 which also included amounts to fund the raises on state  
5 employees this year.

6 Revolving fund's about remaining the same. And  
7 you'll see the other funds. Your 40500 is the Volkswagen  
8 settlement. And we also have Brownfields Revolving Fund, which  
9 is -- renews for the last year. Your Water Management Federal  
10 Fund is the Secretary of Energy Environment Funds that we did  
11 the accounting for. Do you have any questions?

12 (No response.)

13 MS. KATHY AEBISCHER: Okay. That concludes the  
14 first quarter for this year.

15 CHAIRMAN JAMES KINDER: Okay.

16 I understand no action's to be taken from this;  
17 right?

18 MS. KATHY AEBISCHER: Nope.

19 CHAIRMAN JAMES KINDER: Thank you.

20 I guess we're down to Number 9, the Executive  
21 Director's Report, Scott.

22 MR. SCOTT THOMPSON: Thank you. Well, we're happy  
23 to be in Woodward. Hopefully, it warms up a lot before we get  
24 out of this building. But it's -- it's always nice to get out  
25 and visit different parts of the state and give opportunities

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1 the legislature, they would become effective in September 2020,  
2 but we have a long ways to go in terms of comment and  
3 rulemaking, et cetera.

4 Now, some of this -- and some additional things I  
5 want to bring to the Council and the Board and to the  
6 legislature are based on a study that we're doing with the  
7 University -- Oklahoma State University. And they're doing  
8 some good work. We're going to have some interesting  
9 opportunity to revisit whether or not our rules are -- could be  
10 loosened up in some areas where we have to, maybe, tighten up a  
11 little bit. One of the problems that we see consistently is  
12 that some of the lot sizes that people are going to now and  
13 trying to use individual sewage systems are pretty small,  
14 pretty tight. People are building much larger homes using a  
15 lot more water. And so it -- it's not like the old days when  
16 we were on small lots and we had little bitty homes and had  
17 much more limited water usage. So that would be a challenge to  
18 try to figure out how to interact with folks on that part and  
19 see if we can convince people that if you want to build a  
20 certain square footage home, that we really need to have a  
21 larger lot size, say, like, a third of an acre or something.  
22 So it would be much better if people went to acre lot sizes  
23 but, you know, maybe there's somewhere in between, but we need  
24 to figure out a system that's based on that whole size of the  
25 system that you really need and your soil type.

<p style="text-align: right;">Page 42</p> <p>1 EPA's composing to add a superfund site to the 2 national parties listed in Oklahoma, it's an iron -- iron metal 3 site. It's a salvage yard. We've worked with the community 4 for years trying to find solutions on how to deal with this and 5 there -- there have been some removals of some of the worst 6 stuff at the property, but, of course, when you're dealing with 7 a salvage yard there's so much stuff in the way you can't 8 really -- it's very difficult to ascertain what's underneath 9 the piles of metal and whatnot. So we're going to be working 10 with EPA on that. I anticipate that will be -- probably make a 11 list of the final site and that we will continue to work on 12 that, make that property available, hopefully, for a much 13 better use for downtown caveat. 14 Last week some of our folks were recognized in 15 Washington. Our Superfund Program received a state of 16 excellence in supporting lead development award. That's the 17 second time we've won this award. Amy Brittain and her 18 folks -- Amy was up there to receive the award and she's -- her 19 staff are most deserving of that and -- so they all work for 20 Kelly. This is the award that they were given. And it's 21 Superfund of the year in technology, innovation, state 22 excellence in support and reuse, the Oklahoma Department of 23 Quality -- Environmental Quality in 2019. So we could pass 24 that around and, kind of, look at it or... 25 MR. DAVID GRIESEL: Congratulations.</p>	<p style="text-align: right;">Page 43</p> <p>1 (Applause.) 2 MR. SCOTT THOMPSON: Yeah. It is really 3 congratulations to the staff because they're at -- they're -- 4 they keep me out of it, so I don't have opportunity to screw it 5 up, but they're -- they literally just work, doing work, 6 getting things done. 7 In 2018 the State Transportation Innovation 8 Council were -- funded the classic project to test the use of 9 crumb rubber as a -- to improve road services, to impede cracks 10 and -- and other things that occur in asphalt roads. The goal 11 is to see if we can make that a more common usage of ground 12 rubber from recycling of tires because it really does make the 13 road better, safer. I know -- once upon a time my dad used to 14 work for the Highway Department. So I recall in the '70s it 15 was the first surface or one of the early surfaces on 240 down 16 the south side of Oklahoma City was crumb rubber, rubberized 17 asphalt surfacing. And you could run on it when it was raining 18 hard, like it was dry. And it's more rut resistant, lasts 19 longer. So it just makes a better quality surface and a safer 20 surface for people to drive on. So we're trying to help jump 21 start that as it -- it's used in some other states. But you 22 have the chicken and the egg problem trying to get the right 23 size crumb rubber processed and the -- the road builder set up 24 to use it. But the way they're doing it now, it's -- it's -- 25 you can use it with more conventional equipment, so we're</p>
<p style="text-align: right;">Page 44</p> <p>1 hopeful there. We have that research project going on, and I 2 think that's, you know, going to work out. 3 The -- recently Secretary Wagner and I, a couple 4 of other folks, went up to Inola and toured the Sofidel plant. 5 That's the Italian company that came in on the old PSO property 6 where the nuclear reactor was originally intended to go back in 7 the '70s. And it's now being put into use for this paper 8 manufacturer. It's -- it was about a three-mile walk trying to 9 walk down one side of the building and across it to the back 10 and back over to where you started. It's almost a mile-long 11 facility. And they're going to produce enormous amounts of -- 12 of paper. About 150 folks are employed currently, and they 13 haven't really got up to full production, so they expect 350. 14 And there's a good chance that -- if this works out, that they 15 could build a mirror building next door to it and double the 16 size of the facility. And it's very impressive. And I know 17 you guys met Secretary Wagner. He's -- he's bigger than I am. 18 He's taller than I am. I felt like we were hobbits walking 19 through parts of that facility. I mean, it was just -- it's 20 enormous. So maybe one of these days we can get up that way 21 and get a tour of the facility with the Board and -- so, you 22 know, most of our divisions have some input into that in terms 23 of permanent water air issues, things like that, just that and 24 -- and helping that facility decide to come to Oklahoma. So 25 that was a big deal.</p>	<p style="text-align: right;">Page 45</p> <p>1 There's -- we're talking to some other folks some 2 of which we can't discuss the details of some of the time. 3 That's kind of routine. But there's some aerospace company 4 looking to come here. You know, there's been some recent 5 additions to -- to Oklahoma manufacturing capacity and so we 6 hope to continue that trend. 7 And then you're aware we had the Water Loss Audit 8 Program, the Lead Detections Program and that sustainability 9 stuff, the capacity development. Brandon Bowman is -- is 10 working on. He does the other -- those other programs as well. 11 That's all combined together working with Rural Water 12 Association and the Water Resources Board to -- and we recently 13 signed a strategic alliance agreement with the Water Resources 14 Board and the Oklahoma Rural Water Foundation. The governor 15 attended a meeting and signed the document. Secretary Wagner 16 signed on to it. It's a little unique for the -- for 17 government agencies around here. It's more something the 18 private sector tends to do, but I think it's -- it -- what it 19 really does is just convince us to try to maximize all our 20 resources to do the most good and to continue this kind of 21 approach to how to work with folks. But the -- some of the 22 systems that have been looked at recently, Mooreland conducted 23 a water loss audit last year. And they did find loss of about 24 \$82,000. Alva, their identified loss is only about \$15,000, 25 which means they're doing a pretty good job. And then Beaver,</p>




<p style="text-align: right;">Page 46</p> <p>1 Oklahoma, conducted a water loss audit a few years ago. And 2 their identified loss was about \$110,000. So that program is 3 really beneficial. And you can put some other numbers to that 4 and do some things and when you start working with the systems 5 about trying to make sure they're -- they've got their fees set 6 up and they're managing their money appropriately so that they 7 can stay in business. Because one of the things that the rural 8 water folks preach to them is you're running a forever 9 business. You're not trying to raise money to do this one 10 project now. You're going to be in business forever to 11 continue to serve your constituents, the citizens. So we need 12 to manage them the way you can have the funding set aside to do 13 as much infrastructure improvement and continue to progress as 14 the rules change, et cetera, as possible. And so I think 15 that's -- that's highly valuable to help those. In some cases 16 I think most of the rural water districts are voluntary boards 17 so you try to make sure they're managing their system 18 appropriately and keeping it on in the future. So that's just 19 a great program.</p> <p>20 And on a sad note, Sarah Penn is abandoning the 21 Department. And she's going to work, you know, for personal 22 gain over at the Department of Transportation as their general 23 counsel so -- yeah. She popped into my office the other day 24 and she's, like, well, you know -- and she explains this to me. 25 So I just want to thank Sarah for her time and efforts. And I</p>	<p style="text-align: right;">Page 47</p> <p>1 would say that, you know, I -- I do these things. Now, we'll 2 have somebody at ODOT that we can work with closely. And where 3 we've had some minor issues here and there with our 4 environmental compliance, I think that can be straightened out 5 much more quickly in the --</p> <p>6 MS. SARAH PENN: I would hope so. 7 MR. SCOTT THOMPSON: -- future. So thank you, 8 Sarah.</p> <p>9 MS. SARAH PENN: Thank you. 10 MR. SCOTT THOMPSON: Would you want to say 11 anything?</p> <p>12 MS. SARAH PENN: Well, I did. Hopefully, I can do 13 it without losing my composure. I just want to thank everyone 14 for the opportunity to serve as General Counsel for the -- at 15 the Department of Environmental Quality, especially Scott, and 16 giving me the opportunity to serve a really wonderful and 17 dedicated group of people. I appreciate your encouragement and 18 your support of me taking this opportunity. I was not looking 19 in any way for a job. I have a super nice office at DEQ. It's 20 making me sad to leave that, but ODOT was very persuasive. And 21 they sought me out. And they want to change the culture there. 22 And they asked that I be part of that. And it was a pretty 23 exciting offer. I think you have an outstanding -- DEQ is 24 fabulous. And I am truly invested in it, and I believe in the 25 emission and the people and I appreciate everything you do to</p>
<p style="text-align: right;">Page 48</p> <p>1 make sure that everyone makes -- everything they do gets done. 2 And I am confident that you will have a good partner in ODOT in 3 the future. And if you need anything, please let me know. And 4 I appreciate everything that's happened.</p> <p>5 MR. SCOTT THOMPSON: Well, again, thanks, Sarah. 6 You've done a great job.</p> <p>7 MS. SARAH PENN: Thank you. 8 MR. SCOTT THOMPSON: And you've helped set the 9 agency up in a good way and so...</p> <p>10 (Applause.) 11 CHAIRMAN JAMES KINDER: Sarah, I can only assume 12 that the parking over there is a little bit better.</p> <p>13 (Laughter.) 14 MS. SARAH PENN: Well -- 15 CHAIRMAN JAMES KINDER: I don't know. 16 MS. SARAH PENN: -- it's really not. I mean, from 17 my perspective I have the best -- I also have the best parking 18 spot in the garage. I'm the closest to the door. There is no 19 falling concrete so -- and now I'm going to an uncovered spot. 20 So there were a lot of decisions --</p> <p>21 CHAIRMAN JAMES KINDER: Okay. 22 MS. SARAH PENN: -- that weighed in favor of DEQ. 23 MR. SCOTT THOMPSON: One thing I learned just 24 coming in, Lloyd told me that he had been working with Oklahoma 25 City very closely trying to pitch for the National Brownfields</p>	<p style="text-align: right;">Page 49</p> <p>1 Conference. And he got the word that Oklahoma City was 2 selected to host that conference.</p> <p>3 And so, Lloyd, you said that was 2021? April? 4 MR. LLOYD KIRK: May, April, some point in there. 5 MR. SCOTT THOMPSON: Okay. Some point there. So 6 it's -- it's scheduled to be post the conclusion of the Orni 7 Hotel down-- downtown so -- and we need to get that project 8 going.</p> <p>9 How big is that? What -- do you know what the 10 dollar figure is, the -- the attendance is? 11 MR. LLOYD KIRK: Attendance is around in the -- 12 the -- it's between 4 and 7,000 people. 13 MR. SCOTT THOMPSON: Okay. 4 and 7,000 people. 14 Obviously, that's millions of dollars pumped into the local 15 economy. So that is a great deal. That is huge. I thought we 16 had a good shot, but I really thought, maybe, it would go 17 somewhere else, maybe, you know. We haven't hosted that size 18 of an event before. So I think we will probably not have the 19 State Brownfields Conference between now and then because we'll 20 be so busy trying to help folks plan for the national 21 conference and set that out and get it run right, but you might 22 want to get your foot in the door if you need a booth or 23 anything like that. There's --</p> <p>24 MR. BILLY SIMS: Those dates, again, are? 25 MR. LLOYD KIRK: Pardon?</p>



<p style="text-align: right;">Page 50</p> <p>1 MR. BILLY SIMS: Those dates?</p> <p>2 MR. SCOTT THOMPSON: It will be --</p> <p>3 MR. LLOYD KIRK: April, May 2021.</p> <p>4 MR. SCOTT THOMPSON: -- it will be one of those</p> <p>5 two months. It will be -- the exact dates have yet to be</p> <p>6 decided so -- that will come a little later, but we're going to</p> <p>7 work closely with Oklahoma City and the -- the folks that put</p> <p>8 the conference on to -- to get that done. And I'm sure that</p> <p>9 it will be a very high quality event so --</p> <p>10 MR. LLOYD KIRK: Scott.</p> <p>11 MR. SCOTT THOMPSON: -- it will be a great</p> <p>12 opportunity for folks. If you are familiar with that</p> <p>13 Brownfields Program, and some of you have never attended our</p> <p>14 conference before. State conference is excellent. It's always</p> <p>15 been high quality, but it -- it will be great opportunity to --</p> <p>16 to attend and see what's going on across the country and try to</p> <p>17 help, you know, Oklahoma posture or strategize to -- to do more</p> <p>18 projects here, get more funding in here to do more</p> <p>19 redevelopment and reuse of property so...</p> <p>20 CHAIRMAN JAMES KINDER: (Points.)</p> <p>21 MR. LLOYD KIRK: Scott, I have comment. And I</p> <p>22 want to thank Kelly and her staff, but mainly Dr. Rita Kotke</p> <p>23 and this wouldn't have happened. And it was so perfect. When</p> <p>24 I saw Scott with Rita in Guymon and I just -- just -- Rita</p> <p>25 passed away about a year ago. And she was Brownfields. And</p>	<p style="text-align: right;">Page 51</p> <p>1 she was a vision, or this was not going to happen. And I just</p> <p>2 can't help but think, you know, that she's dancing right now so</p> <p>3 --</p> <p>4 MR. SCOTT THOMPSON: Yeah.</p> <p>5 MR. LLOYD KIRK: -- so that's...</p> <p>6 MR. SCOTT THOMPSON: Rita is missed and she did an</p> <p>7 outstanding job helping build that program up and make it what</p> <p>8 it is today. But we, you know, the projects, you've heard them</p> <p>9 before, but there's just an endless -- almost everything down</p> <p>10 around Bricktown, the Ford Center, whatever it's called this</p> <p>11 week -- Chesapeake Arena. I'm kidding. And, you know, lots --</p> <p>12 lots of projects across the state and Tulsa. The BMX</p> <p>13 facility's going to be on -- on Brownfields. So it -- it's</p> <p>14 been very beneficial to Oklahoma, and it helps those derelict</p> <p>15 properties be put back on the tax rolls, put to good use,</p> <p>16 provide jobs, et cetera, et cetera. And we're -- what's</p> <p>17 happened to see those former properties go back to that kind of</p> <p>18 use as opposed to going and taking out green fields, you know,</p> <p>19 that happens. That's just part of the deal. But where ever we</p> <p>20 can see those -- those oil properties recycled for a good use,</p> <p>21 that's -- that's the best so...</p> <p>22 We've haven't been printing annual reports for the</p> <p>23 past few years both to save money and if you get it in</p> <p>24 Environmental Spirit. We've done some different approaches to</p> <p>25 how to do electronic reporting. And so this year's report is</p>
<p style="text-align: right;">Page 52</p> <p>1 more video driven and interactive than ever before, which</p> <p>2 scares me greatly. So, you know --</p> <p>3 (Video plays as multiple speakers are speaking.)</p> <p>4 CHAIRMAN JAMES KINDER: Yeah. That's a little</p> <p>5 creepy.</p> <p>6 (Laughter.)</p> <p>7 MS. ALEXANDRIA KINDRICK: Mine was creepy.</p> <p>8 MR. SCOTT THOMPSON: Yeah. Where is Erin? Is she</p> <p>9 hiding? Is she laying down in the back?</p> <p>10 MS. ERIN HATFIELD: Hi.</p> <p>11 MR. SCOTT THOMPSON: Oh, there she is. She sat</p> <p>12 where I couldn't make eye contact with her.</p> <p>13 (Video presentation continues.)</p> <p>14 (Applause.)</p> <p>15 MR. SCOTT THOMPSON: I had no idea it was even</p> <p>16 possible to have a video pop on upside down on the screen.</p> <p>17 Yeah. Well, I'm looking forward to that. And, hopefully, it</p> <p>18 will be right side up if you click it on our website.</p> <p>19 MS. ERIN HATFIELD: Yeah.</p> <p>20 MR. SCOTT THOMPSON: And if you see anything that</p> <p>21 really appalls you or bothers you in any way, we'll get you all</p> <p>22 of Erin's contact information --</p> <p>23 (Laughter.)</p> <p>24 MR. SCOTT THOMPSON: -- so you can contact her day</p> <p>25 or night about it.</p>	<p style="text-align: right;">Page 53</p> <p>1 Did we have anything else on that, Erin?</p> <p>2 MS. ERIN HATFIELD: Nope. That's all.</p> <p>3 MR. SCOTT THOMPSON: Okay.</p> <p>4 MS. ERIN HATFIELD: We're good.</p> <p>5 MR. SCOTT THOMPSON: There is a little card that</p> <p>6 gets you the link and so we'll see if --</p> <p>7 MS. ERIN HATFIELD: I would like to --</p> <p>8 MR. SCOTT THOMPSON: Can somebody check that back</p> <p>9 home to make sure it plays right side up when you click on it?</p> <p>10 MS. ERIN HATFIELD: I would like to take a quick</p> <p>11 moment to give a special thank you to our graphic artist, Grant</p> <p>12 Thompson and Jim Ward. They've spent the better part of six</p> <p>13 months working on this to make sure the images work and the</p> <p>14 videos work. They're not here today, but, really, it -- it</p> <p>15 takes an incredible -- incredible amount of effort to make that</p> <p>16 as cool as it is.</p> <p>17 MR. SCOTT THOMPSON: Well -- and I will add that</p> <p>18 -- that Erin got me and Jimmy in front of a green screen and</p> <p>19 had us do a dialogue and determined that none of the footage</p> <p>20 was used so --</p> <p>21 (Laughter.)</p> <p>22 MR. SCOTT THOMPSON: -- I'm not ungrateful for</p> <p>23 that. And, you know, as -- as little as I interact on social</p> <p>24 media, I do get a lot of positive comments from other agencies</p> <p>25 and folks, and we get a lot of followers and things on some of</p>

<p style="text-align: right;">Page 54</p> <p>1 the social media stuff that Erin does to put the word out on --</p> <p>2 on things that are happening at DEQ, so I think that's going</p> <p>3 pretty well. But, you know, I'm -- I'm happy to be ignorant</p> <p>4 about most of it so...</p> <p>5 Again, I think that pretty much wraps up my</p> <p>6 report. Thank you very much.</p> <p>7 MS. JAN KINZE: Scott, I -- I might ask one thing.</p> <p>8 I appreciate very much you telling us some of the good things</p> <p>9 the staff is doing, along with the -- the fact that the</p> <p>10 concrete is falling. It's good to hear some of those things.</p> <p>11 And I notice the employees of the quarter and employee of the</p> <p>12 year and times you've been able to bring them to the Board, so</p> <p>13 that we could also recognize them. And I know it's -- I know</p> <p>14 it's more convenient when we're meeting in the city. So I was</p> <p>15 wondering, in February, could we recognize anybody you think is</p> <p>16 appropriate?</p> <p>17 MR. SCOTT THOMPSON: Yes. We're making that a</p> <p>18 routine part of that February board meeting.</p> <p>19 MS. JAN KINZE: Perfect.</p> <p>20 MR. SCOTT THOMPSON: And, yeah. We'll have the</p> <p>21 employees of the quarter and employee of the year as well as,</p> <p>22 perhaps, some other folks that volunteer events, like Science</p> <p>23 Fest, et cetera, our H2O Day -- I guess that's what they're</p> <p>24 calling it now -- and several other events that we help with</p> <p>25 across the state. So, yeah, I'm perfectly happy to do that,</p>	<p style="text-align: right;">Page 55</p> <p>1 really glad to do that.</p> <p>2 MS. JAN KINZE: Thank you.</p> <p>3 MR. SCOTT THOMPSON: That's a good thing.</p> <p>4 CHAIRMAN JAMES KINDER: Very good. Thank you,</p> <p>5 Scott, for -- for the report.</p> <p>6 Anymore discussion about Scott's report?</p> <p>7 (No response.)</p> <p>8 CHAIRMAN JAMES KINDER: I will say that I saw</p> <p>9 Jimmy in the car, whatever you call that Facebook -- is it</p> <p>10 Facebook --</p> <p>11 MS. ERIN HATFIELD: Carpool.</p> <p>12 CHAIRMAN JAMES KINDER: Carpool Conversations.</p> <p>13 Saw Jimmy in there, looked like he was scared to death.</p> <p>14 (Laughter.)</p> <p>15 MR. JIMMY GIVENS: With good reason.</p> <p>16 CHAIRMAN JAMES KINDER: And so it is good to have</p> <p>17 that out so that -- you know, that's the way we communicate</p> <p>18 now. So thank you for that.</p> <p>19 Anymore discussion on Scott's report?</p> <p>20 (No response.)</p> <p>21 CHAIRMAN JAMES KINDER: Seeing none, I'll just ask</p> <p>22 if there's any new business that could not have been re--</p> <p>23 reasonably foreseen prior to this time of posting for the</p> <p>24 agenda?</p> <p>25 (No response.)</p>
<p style="text-align: right;">Page 56</p> <p>1 CHAIRMAN JAMES KINDER: Okay. Not seeing none.</p> <p>2 Our next meeting is going to be February 21st of</p> <p>3 2020, in Oklahoma City. And I will -- hopefully, everyone will</p> <p>4 be able attend then.</p> <p>5 I will -- just want to say before we ask for</p> <p>6 adjournment, Veterans Day is coming up. And for all those who</p> <p>7 have been impacted, either have served or their families have</p> <p>8 served by -- veterans or in the military, thank you for your</p> <p>9 service. Thank you for keeping us safe and for allowing us to</p> <p>10 do our job here and not have to worry at night when we go to</p> <p>11 sleep. And we just appreciate all that you've done in the past</p> <p>12 and -- and as the young men that -- and women of today are</p> <p>13 doing to-- as we speak. We just thank them for their service.</p> <p>14 Seeing nothing else, I'll just ask for a motion to</p> <p>15 adjourn.</p> <p>16 MR. TIM MUNSON: So moved.</p> <p>17 CHAIRMAN JAMES KINDER: Second?</p> <p>18 MR. DAVID GRIESEL: Second.</p> <p>19 CHAIRMAN JAMES KINDER: Roll call vote.</p> <p>20 MS. QUIANA FIELDS: Mr. Barton.</p> <p>21 MR. PERRY MARK BARTON: Yes.</p> <p>22 MS. QUIANA FIELDS: Mr. Griesel.</p> <p>23 MR. DAVID GRIESEL: Yes.</p> <p>24 MS. QUIANA FIELDS: Dr. Hammon.</p> <p>25 DR. TRACY HAMMON: Yes.</p>	<p style="text-align: right;">Page 57</p> <p>1 MS. QUIANA FIELDS: Mr. Hirshey.</p> <p>2 MR. KENNETH HIRSHEY: Yes.</p> <p>3 MS. QUIANA FIELDS: Ms. Kindrick.</p> <p>4 MS. ALEXANDRIA KINDRICK: Yes.</p> <p>5 MS. QUIANA FIELDS: Ms. Kunze.</p> <p>6 MS. JAN KINZE: Yes.</p> <p>7 MS. QUIANA FIELDS: Mr. Munson.</p> <p>8 MR. TIM MUNSON: Yes.</p> <p>9 MS. QUIANA FIELDS: Mr. Nicholson.</p> <p>10 MR. HOMER NICHOLSON: Yes.</p> <p>11 MS. QUIANA FIELDS: Mr. Paque.</p> <p>12 MR. MIKE PAQUE: Yes.</p> <p>13 MS. QUIANA FIELDS: Mr. Sims.</p> <p>14 MR. BILLY SIMS: Yes.</p> <p>15 MS. QUIANA FIELDS: Mr. Kinder.</p> <p>16 CHAIRMAN JAMES KINDER: Yes.</p> <p>17 MS. QUIANA FIELDS: Motion passed.</p> <p>18 CHAIRMAN JAMES KINDER: Did we have anyone sign up</p> <p>19 for the public forum?</p> <p>20 MS. QUIANA FIELDS: (Shakes head.)</p> <p>21 CHAIRMAN JAMES KINDER: No?</p> <p>22 So I guess since no one signed up, we'll be</p> <p>23 adjourned. Thank you for your attendance. Be careful as you</p> <p>24 go home. And have a great season -- holiday season. Thank</p> <p>25 you.</p>

<p>1 (Meeting adjourned at 10:50 a.m.)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 58</p> <p>00059</p>	<p>1 CERTIFICATE</p> <p>2 I, Rebecca S. Storm, a Certified Shorthand</p> <p>3 Reporter within and for the State of Oklahoma, do hereby</p> <p>4 certify that I was present at the Department of Environmental</p> <p>5 Quality Board Meeting had November 8, 2019; that I recorded in</p> <p>6 stenotype notes all of said proceedings; and that I thereafter</p> <p>7 transcribed my notes so taken and reduced same to typewritten</p> <p>8 form; and that foregoing transcript of proceedings a full,</p> <p>9 true, correct, and complete, to the best of my skill and</p> <p>10 ability, along with corrections made by the Department of</p> <p>11 Environmental Quality's staff. I further certify that I am not</p> <p>12 an attorney for nor relative of any of said parties or</p> <p>13 otherwise interested in the outcome or event of said action.</p> <p>14</p> <p>15 IN WITNESS WHEREOF, I have hereunto set</p> <p>16 my hand and affixed my official seal this 2nd day of December,</p> <p>17 2019.</p> <p>18 </p> <p>19</p> <p>20 Rebecca S. Storm, CSR</p> <p>21 Official Court Reporter</p> <p>22 Certificate No. 1746</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 59</p>



# ENVIRONMENTAL QUALITY BOARD

Attendance Record  
**November 8, 2019**  
Woodward, Oklahoma

NAME and/or AFFILIATION

Address and/or Phone and/or E-Mail

Sharon Smith	ODEQ
Diana Fields	ODEQ
Carl Bartlett	ODEQ
Kathy Aebischer	ODEQ
Chin Armstrong	ODEQ
Richard McDaniel	ODEQ
Ellen Tull	ODEQ
Tracy Hammon	EQB
Brian Sims	EQB
Bill Kopf	DEQ
Grin Battfield	PEQ
Michelle Wynn	DEQ
Stephen Bortolice	OSEE
Lloyd Kirk	ODEQ
JENNIFER BOYLE	ODEQ
Tim Munsal	EQB
Ken Hirsch	EQ Board
Jimmy Kinder	EQ Board
Mike Paque	EQB
Norm Winkler	EQ Board
Mike Broderick	ODEQ
Jennifer Lewis	OAG
Dawnita Fogleman	Woodward News



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**November 8, 2019**  
Woodward, Oklahoma

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Kelly Dixon	ODEQ
Sarah Penn	ODEQ
Jimmy Given s	"
Scott Thompson	"
Mark Hildebrand	"
MARK BARROW	EQB
Shaun Barnett	City of Woodward
Jan Kunze	EQ
Alexie Kindlyck	EQB
Laura Lucas	AQC
Bud Ground	EFO
Griesel David K.	EQB
Jordan	